

EXHIBIT 15

1 MEETING OF THE ECFMG MEDICAL
2 EDUCATION CREDENTIALS COMMITTEE

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4 RE: ORIEN L. TULP, USAT

5 - - -

6 NOVEMBER 28, 2018

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8 Hearing taken pursuant to notice,
9 was held at RITTENHOUSE HOTEL, 210 West
10 Rittenhouse Square, Philadelphia,
11 Pennsylvania, commencing at 10:00 a.m.,
12 on the above date, before LISA MARIE
13 CAPALDO, RPR, a Registered Professional
14 Reporter and Notary Public in and for the
15 Commonwealth of Pennsylvania.

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21 GOLKOW LITIGATION SERVICES
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24

1 APPEARANCES:
2 ECFMG STAFF
3 Mr. William W. Pinsky
Mr. Dennis M. Donohue
4 Ms. Kara Corrado
Ms. Lisa L. Cover
5 Ms. Svetlana Gridneva
Mr. Scott Mealey
6 Ms. Rosemary Carlin
7

ECFMG Board Members

8
Dr. Maryellen Gusic
9 Dr. Ronald R. Blanck
Dr. Barbara Barzansky
10 Dr. Peter Buckley
Dr. Andrew Filak
11 Dr. Ram Krishna
Dr. Dotun Ogunyemi
12 Dr. James Pelegano
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I N D E X
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Statement of:

ORIEN L. TULP, USAT

By Mr. Swate

November 28, 2018

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PROCEEDING

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O R I E N T U L P, Sworn.

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DR. GUSIC: We will begin by

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asking the committee members and

8

the staff to introduce themselves.

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We will swear in Dr. Tulp and then

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if there are any opening

11

statements.

12

MS. McENROE: Elisa McEnroe,

13

outside counsel for ECFMG.

14

MS. KATZ: I'm Francis Katz.

15

I'm the general counsel at ECFMG.

16

DR. CRAIG: Steve Craig,

17

board member.

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DR. OGUNYEMI: Dr. Ogunyemi,

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ECFMG board member.

20

DR. BUCKLEY: Peter Buckley,

21

I'm also an ECFMG board member.

22

DR. PELEGANO: Jim Pelegano,

23

ECFMG board member.

24

DR. KRISHNA: Dr. Krishna,

1 board member.

2 DR. FILIK: Andy Filik,
3 ECFMG board member.

4 DR. PINSKY: Bill Pinsky,
5 President and CEO of ECFMG.

6 DR. GUSIC: Maryellen Gusic,
7 board member and chair of this
8 committee.

9 DR. BLANCK: Ronald Blanck,
10 chair and board member of this
11 committee.

12 DR. BARZANSKY: Barbara
13 Barzansky, ECFMG board member.

14 MS. CORRADO: Kara Corrado,
15 ECFMG staff.

16 MS. COVER: Lisa Cover,
17 ECFMG staff.

18 MR. DONOHUE: Dennis
19 Donohue, ECFMG staff.

20 MS. GRIDNEVA: Svetlana
21 Gridneva, ECFMG staff.

22 MS. CARLIN: Rosemary
23 Carlin, ECFMG staff.

24 MS. CORRADO: Just briefly,

1 I'm just going to iterate the
2 allegations for the committee.
3 The allegation is that Dr. Orien
4 Tulp, professor and president of
5 USAT engaged in irregular behavior
6 in connection with providing false
7 information to ECFMG, specifically
8 that Dr. Tulp provided false
9 information to ECFMG regarding
10 USTAT's United States branch
11 campuses and certifying to the
12 attendance dates of several USTAT
13 students and graduates when ECFMG
14 has information that these
15 students were not attending USTAT
16 during some of the time periods to
17 which Dr. Tulp certified.

18 Dr. Tulp is here today along
19 with his attorneys to address
20 these allegations and to answer
21 any questions that the committee
22 may have.

23 DR. GUSIC: Opening
24 statements.

November 28, 2018

1 MR. SWATE: Thank you. I
2 asked the name of the officer
3 outside the door, and he refused
4 to give me his name. Could you
5 tell me who the officer outside
6 the door is?

7 MS. McENROE: It's a
8 security officer we've brought in
9 for our own protection in case we
10 need it throughout our day's
11 proceedings. He's an off-duty
12 Philadelphia police officer.

13 MR. SWATE: First, I would
14 like to ask for the -- I've asked
15 and I've asked and I've asked for
16 the packet that was presented to
17 the committee members. I would
18 like a copy of the packet, the
19 information that was submitted to
20 the committee members so that I
21 will know what was considered by
22 the committee before we came here
23 today because you're considering
24 information that I may or may not

1 know about. And that's
2 fundamentally unfair to my client,
3 for my client to have to defend
4 against potential information that
5 we don't have.

6 First, I would ask for a
7 copy of that.

8 MS. McENROE: There's
9 actually a black binder right in
10 front of you. We also have
11 provided that on more than one
12 occasion prior to this proceeding,
13 which is our usual practice even
14 without you asking. That's what
15 we do.

16 MR. SWATE: Where is the
17 letter that you sent to the
18 committee members addressing this?

19 MS. McENROE: The materials
20 presented to the committee
21 regarding this circumstance with
22 Dr. Tulp's charges of irregular
23 behavior are presented in that
24 binder to you.

1 MR. SWATE: I'm asking you
2 for the letter you sent to the
3 committee members.

4 MS. McENROE: I don't know
5 what you're talking about.

6 MR. SWATE: You didn't send
7 them a letter explaining what this
8 was?

9 MS. McENROE: We sent those
10 materials.

11 MR. SWATE: What about the
12 letter that went with the
13 materials?

14 MS. McENROE: Those are the
15 materials including any
16 correspondence with it.

17 MR. SWATE: All the
18 correspondence would be included
19 with this material?

20 MS. McENROE: Correct.

21 MR. SWATE: I'm sorry.
22 Where is the correspondence that
23 you sent to the committee?

24 MS. McENROE: This is the

1 same material that you were
2 provided. November 14th you got
3 it by e-mail, and November 15th
4 you got it by Federal Express.

5 MR. SWATE: I'm asking for
6 the letters that you sent to these
7 committee members. You just
8 didn't send this out to the
9 committee members just blindly.

10 MS. McENROE: Unfortunate
11 for them, potentially there's a
12 lot of materials they have to
13 review, and they carefully review
14 the materials presented to them as
15 presented to you. We get an
16 electronic copy, myself included
17 which you were provided by e-mail
18 on November 14th.

19 MR. SWATE: So you're
20 telling me that you did not send
21 them a letter explaining this
22 material and explaining the
23 allegation to the committee
24 members.

1 MS. McENROE: That material
2 is as presented to the committee.

3 MR. SWATE: You're not
4 answering my question.

5 MS. McENROE: I'm not here
6 to answer your questions, sir.
7 We're here for your client to
8 explain to us the charges of
9 irregular behavior against him.

10 If you have an opening
11 statement you would like to make,
12 we're interested in hearing it.
13 Our committee has questions for
14 your client, and then we will
15 consider the charges of irregular
16 behavior.

17 MR. SWATE: This committee
18 has no jurisdiction over Dr. Tulp.
19 We showed up today as it stands
20 for negotiation. You all have no
21 legal jurisdiction to determine
22 anything.

23 So accordingly, please be
24 advised that we're not waiving

1 because we're here any
2 jurisdictional issues that may be
3 addressed at another forum at
4 another day.

5 Since the ECFMG has made the
6 allegation, it should have the
7 sole and exclusive burden of
8 proof. So who is presenting the
9 evidence against Dr. Tulp?

10 This is not the U.S.
11 Congress where you can make blind
12 allegations and attempt to have
13 the person prove they are not
14 guilty. And that's what's
15 occurring here today, just blatant
16 accusations and then assuming he's
17 guilty. And you have him come
18 here for 20 minutes to explain why
19 he's not guilty.

20 You have a duty of
21 presenting your evidence, credible
22 evidence before Dr. Tulp has to
23 answer anything. It's your
24 burden.

1 Now, you claim you are
2 basing this on the preponderance
3 of evidence. What evidence are
4 you presenting here today that Dr.
5 Tulp violated anything? None.

6 Also, there appears to be a
7 co-mingling of the prosecutorial
8 and jury functions. You are both
9 making the claims and acting as
10 judge and jury.

11 We have asked for discovery
12 of documents, especially any
13 letters or correspondence that
14 have been sent to the committee
15 members. The claim that you just
16 sent the committee members this
17 without any explanation doesn't
18 meet any kind of test of
19 credibility.

20 The ECFMG is either acting
21 as quasi government entity or
22 acting under a contract basis.
23 Now, you claim that you are a
24 private nonprofit entity. So the

1 only reason that you could be
2 interacting with Dr. Tulp is on
3 the basis of contract. Where is
4 the contract?

5 Dr. Tulp's doesn't have a
6 contract with you all. So you
7 have no right to tortuously
8 interfere with his business
9 practices or tortuously interfere
10 with his students.

11 ECFMG has printed and
12 published derogatory information
13 about USAT. Whether it's true or
14 not true, at least the target of
15 those accusations should have had
16 the opportunity to address those
17 accusations before you go out and
18 attempt to ruin the school, which
19 is what you have done causing
20 probably millions of dollars worth
21 of damages.

22 If you're not a quasi
23 government entity, everybody in
24 this room is going to be liable

1 for whatever damages we can prove.
2 You've already prejudged the case
3 by taking action against USAT by
4 refusing to release documents of
5 their students. Totally have
6 refused to release documents of
7 students the students are entitled
8 to have released.

9 Again, repeating myself,
10 you're either a quasi government
11 agency or you are a private
12 agency. A private agency you got
13 to have a contract. Quasi
14 government agency you got to have
15 at least an assemblance of due
16 process which there's none here.

17 I asked for the rules and
18 regulations and the protocols for
19 these meetings. Apparently, there
20 is none other than what's in the
21 eyes of the beholders of the
22 people who run the ECFMG.

23 What's the protocol? I
24 asked for the agenda. I got a

1 brief statement to show up at
2 8:45. And here we are at
3 ten o'clock, total disrespectful
4 to my client and myself to have us
5 show up at 8:45 and then be
6 ten o'clock before you have us
7 come in and address you.

8 So we have not received the
9 rules and regulations for the
10 hearing nor have we seen any right
11 that you have other than
12 essentially blackmailing the
13 students and telling the students,
14 well, if you don't send in these
15 forms, we're going to hold your
16 records hostage, which has
17 resulted in students either being
18 accepted for residency and not
19 being able to continue with the
20 residency or not being able to be
21 interviewed for the residency.

22 That is our opening
23 statement. If you have any
24 questions, you can address them to

1 me. Dr. Tulp will not be
2 answering any questions.

3 MS. McENROE: Mr. Swate, do
4 you have any substantive response
5 or statement with respect to the
6 charges of irregular behavior
7 against your client?

8 We've heard your procedural
9 concerns. And just for the
10 purposes of the record, we
11 disagree across the board with
12 your allegations and your
13 statements about the state of
14 affairs. I think for everybody's
15 time I'm not going to go through
16 them and enumerate each and every
17 single one of them.

18 If and when we ever ended up
19 dealing with these issues in the
20 court of law, we would deal with
21 them then and we feel very
22 confident --

23 MR. SWATE: I can assure you
24 we're going to end up in federal

1 court.

2 MS. McENROE: I let you
3 speak. Can you let me speak?

4 MR. SWATE: I'm sorry.

5 MS. McENROE: Do you have
6 any statement with regard to the
7 actual substantive allegations of
8 irregular behavior?

9 MR. SWATE: We can go
10 through this page by page.

11 MS. McENROE: I don't mean
12 to go through it page by page.
13 Are you here today saying that --
14 is it Dr. Tulp? I would say Tulp
15 with an L.

16 DR. TULP: It's Tulp.

17 MS. McENROE: Are you saying
18 that Dr. Tulp did not provide
19 incorrect information to ECFMG
20 with regard to branch campuses in
21 the United States?

22 MR. SWATE: Show me your
23 evidence that he did.

24 MS. McENROE: We have e-mail

1 correspondence from him in all
2 caps saying that there were not
3 campuses in the United States.
4 And we have significant evidence
5 to the contrary. We were
6 wondering if --

7 MR. SWATE: What's your
8 definition of campus?

9 MS. McENROE: Maybe that's
10 something you can illuminate for
11 us about what your client's view
12 is of a campus, whether there was
13 education taking place in the
14 United States for USTAT.

15 MR. SWATE: The burden of
16 proof is not on Dr. Tulp. The
17 burden of proof is on the ECFMG.

18 Now, Dr. Tulp is not going
19 to address a nebulous definition
20 of campuses. You show me your
21 written definition of campuses and
22 we'll address that.

23 MS. McENROE: Did USTAT
24 provide any student with any

1 medical school basic science
2 education in the United States?

3 MR. SWATE: Well, yes, it
4 did.

5 MS. McENROE: He's shaking
6 his head, no, and you just said,
7 yes. So maybe you should let your
8 client speak to respond.

9 MR. SWATE: Dr. Tulp is not
10 going to be talking today. The
11 next time you hear him talk is
12 going to be in federal court.

13 MS. McENROE: So, yes, there
14 was education in the United
15 States?

16 MR. SWATE: There was no
17 campus in the United States.

18 MS. McENROE: So my question
19 was, was there any education for
20 basic medical sciences provided in
21 the United States?

22 MR. SWATE: What do you mean
23 by education?

24 MS. McENROE: Were there any

1 live lectures provided in the
2 United States for USAT?

3 MR. SWATE: My
4 understanding is the lectures were
5 for some extent was prepared by
6 the Internet, that type of thing.

7 MS. McENROE: That was not
8 responsive to my question. My
9 question was --

10 MR. SWATE: You're not
11 cross-examining me, Counsel.

12 MS. McENROE: Well, I'm
13 asking you questions and trying to
14 be more specific --

15 MR. SWATE: We can't answer
16 the questions because you haven't
17 defined what campus is. You
18 haven't defined what the
19 regulations for having an off-site
20 campus where you allowed other
21 schools to have off-site campuses,
22 but you attacked USTAT for some
23 reason.

24 Now, you cannot disagree

1 that you have allowed other
2 schools to have off-site campuses
3 due to natural problems. You've
4 been told what the natural
5 problems were.

6 MS. McENROE: That was not
7 my question. My question was,
8 were there any live lectures
9 provided to students of USTAT or
10 basic medical sciences in the
11 United States?

12 MR. SWATE: I'm not a
13 witness. So you don't get to
14 cross-examine me.

15 MS. McENROE: I may not be
16 able to ask you questions as a
17 witness. I would normally ask
18 your client.

19 MR. SWATE: You're not going
20 to be able to do that because you
21 haven't given me enough
22 information to prepare my client.
23 This star chamber proceedings,
24 he's not going to participate in.

1 MS. McENROE: Despite the
2 four inches of paper --

3 MR. SWATE: Let's go through
4 each of the --

5 MS. McENROE: You had some
6 concerns that by not taking you
7 exactly at 8:45 when we asked that
8 you be here for a 9:00 hearing
9 until 10:00 was a waste of time.
10 We apologize if you feel that way.
11 That was not at all the intention.
12 This is a busy committee. We
13 don't have the time or the man
14 with to sit here and go through
15 every single page that we provided
16 you weeks ago.

17 MR. SWATE: I'm prepared to
18 go through every page of this.

19 MS. McENROE: Tell me where
20 in there it proves that your
21 client did not provide any medical
22 school education in the United
23 States.

24 MR. SWATE: He doesn't have

1 the burden of proof.

2 MS. McENROE: We're just
3 going around in circles. I don't
4 know that it's going to be much
5 more helpful to try and proceed.

6 MR. SWATE: I'm willing to
7 go through every page of this.

8 MS. McENROE: To what end?
9 You're not answering my questions.
10 What are you hoping to get out of
11 every single page of that?

12 If you want to sit here and
13 look for something specific, tell
14 me. We've all read the materials.
15 We can help direct you.

16 Take a look at Appendix E at
17 the e-mail from your client
18 saying, it is not a campus. Our
19 only campus is located in
20 Olveston, Montserrat, British West
21 Indies.

22 My questions are trying to
23 understand whether there was
24 medical school education in the

1 United States.

2 MR. SWATE: That's not what
3 -- what you're trying to do is ask
4 that question and then leap frog
5 to make like that's the campus.

6 Give me your definition of
7 what a campus is and then give me
8 the cases in which you've allowed
9 campuses to operate outside of
10 their original address.

11 MS. McENROE: Perhaps your
12 client, if we would be allowed,
13 could provide us an explanation of
14 what he meant by campus in this
15 e-mail because the committee is
16 interested in hearing that.

17 MR. SWATE: I would like to
18 know what your definition of
19 campus is.

20 MS. McENROE: He's the one
21 who used the word here. I'm
22 interested to know what he means
23 by it.

24 MR. SWATE: I'm asking you,

1 what's your definition of campus?
2 Secondly, what's the exceptions to
3 having an off-site campus?

4 MS. McENROE: We appreciate
5 you being here today. We're
6 working on trying to understand
7 the facts and circumstances in
8 this case. Apparently, we're
9 going to be left with a cold
10 record because your client is
11 refusing to answer any questions.

12 I think at this time it
13 makes sense, unless there's any
14 closing statement you want to
15 make, that we adjourn.

16 MR. SWATE: ECFMG is
17 adjourning this without us having
18 the ability to go through their
19 efforts.

20 MS. McENROE: Is there
21 anything in particular you want to
22 go through? We provided this to
23 you --

24 MR. SWATE: I want to go

1 through the whole thing.

2 MS. McENROE: Start on page
3 one. What is it you want to talk
4 to us about it?

5 MR. SWATE: The matter has
6 been brought to the CIE's
7 attention. Where is the letter or
8 whatever information was brought
9 to the attention?

10 MS. McENROE: We're not here
11 to answer questions, sir. If you
12 have a closing statement or
13 something specific you want to
14 point out to us so we understand
15 the allegations better that are
16 lodged against your client, that
17 would be helpful.

18 That's why we're here today,
19 the due process you're saying that
20 you wanted. We're here to try to
21 understand what it is that you're
22 trying to do here.

23 And candidly, I appreciate
24 you advocating on behalf of your

1 client. It's not productive here
2 if we can't understand the
3 underlying facts as your client
4 means them and wants ECFMG to
5 understand them.

6 So if this is your position
7 that you're just going to come
8 here and obstruct, then that's
9 just how it's going to be and
10 we're not wasting this committee's
11 time. They have a busy agenda,
12 and we've got to keep going.

13 MR. SWATE: It's a waste of
14 the committee's time when you're
15 going to destroy somebody's good
16 name and good reputation without
17 telling them what you're claiming.
18 At least in Texas, before we
19 execute somebody, we at least tell
20 them what the claim is for
21 executing them.

22 You've refused. You've
23 stone walled me on the procedures.
24 I've asked for written procedures

1 for this committee. Apparently,
2 there's none. It's whatever you
3 want to make them.

4 MS. McENROE: Sir, you've
5 gotten the policy and procedures
6 on irregular behavior multiple
7 times. You'd like to say that the
8 record says what you say it says.
9 It just doesn't.

10 We're trying to follow the
11 best procedure we possibly can,
12 and you and your client are
13 obstructing us in being able to
14 collect the information. At this
15 point, I don't think that it's
16 productive to continue the
17 proceeding.

18 MR. SWATE: We're entitled
19 to know what procedure this
20 committee is operating under. You
21 just can't operate under whatever
22 you want to make it.

23 MS. McENROE: You've gotten
24 the policies and procedures.

1 MR. SWATE: No, I haven't.
2 I've gotten --

3 MS. McENROE: They're
4 available on the Internet.

5 MR. SWATE: I have received
6 broad statements, you can do
7 whatever you want.

8 MS. McENROE: The record
9 will reflect --

10 MR. SWATE: And that's not a
11 written policy and procedure. And
12 that will not stand up under any
13 theory.

14 MS. McENROE: We've provided
15 them to you in writing and the
16 link to the URL where they are
17 available publically on the
18 Internet. I don't think at this
19 point there's anything else that's
20 worth us discussing at this
21 moment. Thank you.

22 MR. SWATE: You're
23 terminating --

24 MS. McENROE: Yes, I'm

1 terminating the proceeding.

2 MR. SWATE: ECFMG is
3 terminating this prior to us
4 presenting our evidence.

5 MS. McENROE: We asked you
6 to present evidence, and all you
7 did was present legal argument.

8 What's your offer of proof?
9 What would you like to provide?

10 MR. SWATE: We'll go through
11 every page of this.

12 MS. McENROE: In particular,
13 what would you like to provide?

14 MR. SWATE: First, I'd like
15 to know who Ms. Sara Collins is?

16 MS. McENROE: From the
17 Florida Department of Education?

18 MR. SWATE: I don't know who
19 this is.

20 MS. McENROE: So what
21 evidence is that that you are
22 presenting to us?

23 MR. SWATE: I'm asking your
24 evidence. You're the one

1 presenting the evidence and I'm
2 asking what it is?

3 MS. McENROE: You're not
4 providing any evidence. So thank
5 you for coming today, Dr. Tulp.
6 We appreciate it.

7 MR. SWATE: So you're
8 adjourning the --

9 MS. McENROE: Yes, I'm
10 adjourning the proceeding.

11 - - -

12 (Whereupon, the hearing
13 concluded at approximately 10:39
14 a.m.)

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C E R T I F I C A T E

I hereby certify that
the witness was duly sworn by me and that
the deposition is a true record of the
testimony given by the witness.

— — — — —
LISA CAPALDO

Dated:

(The foregoing certification of this
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